

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1910

AIMEE BATUMANISA BAZAKALA,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals (A76-450-009)

Submitted: January 21, 2004

Decided: February 3, 2004

Before NIEMEYER, TRAXLER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Bokwe G. Mofor, IMMIGRATION LAW CENTER, Silver Spring, Maryland,
for Petitioner. Peter D. Keisler, Assistant Attorney General,
Linda S. Wernery, Senior Litigation Counsel, John M. McAdams, Jr.,
OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Aimee Batumanisa Bazakala, a native and citizen of the Republic of Congo, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's (IJ) denial of asylum and withholding of removal. For the reasons discussed below, we deny the petition for review.

Bazakala asserts that she established her eligibility for asylum. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Bazakala fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that Bazakala seeks.

Additionally, we uphold the IJ's denial of Bazakala's application for withholding of removal. The standard for withholding of removal is more stringent than that for granting asylum. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). To qualify for withholding of removal, an applicant must demonstrate "a clear probability of persecution." INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Because Bazakala fails to show she is eligible for asylum, she cannot meet the higher standard for withholding of removal.

Accordingly, we deny the petition for review. We deny Ashcroft's motion for summary affirmance and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED